

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION**

**JOANN SIMMONS,**

**Plaintiff,**

**v.**

**Case No: 5:20-cv-461-GKS-PRL**

**COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

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**ORDER**


This case is before the Court on the Commissioner's opposed second motion to stay the case for ninety days to produce the certified transcript of the record necessary for this case. (Doc. 16). Due to the global COVID-19 crisis, the SSA has taken certain steps to maximize social distancing, including suspending in-office services to the public and moving rapidly toward a virtual work environment. The SSA's Office of Appellate Operations ("OAO") in Falls Church, Virginia has been forced to redesign its business practices to allow for a mostly virtual transcript preparation process. Despite these changes, the OAO faces a significant backlog of work that has built up during the past months.

Plaintiff has filed a response to the motion setting forth objections including that the Court has already granted the Commissioner a 60-day stay in this case (Doc. 15), Plaintiff has been waiting over eight years to receive an administrative decision that is based on the correct legal standards and supported by substantial evidence, and the Commissioner has failed to provide the specific status of preparing Plaintiff's transcript. (Doc. 17). While Plaintiff opposes the requested 90-day extension, she is agreeable to a final extension of 30 days.

Given the unique challenges caused by the pandemic, the Court is inclined to afford additional time to the Commissioner to obtain the transcript of the record in this case. However, the need for an extension must be balanced with Plaintiff's right to have her case decided.

Accordingly, the Commissioner's opposed second motion to stay (Doc. 16) is **GRANTED** in part. The Commissioner shall file an answer and the transcript of the record for this case within **45** days of this Order. If additional time is needed, the Commissioner should file a declaration specific to this case and explain why the transcript of the record has not yet been prepared. The Court is unlikely to grant any further extensions absent extraordinary circumstances.

**DONE** and **ORDERED** in Ocala, Florida on March 8, 2021.

  
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PHILIP R. LAMMENS  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties